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SEC

SERVICE DATE - OCTOBER 3, 2001

SURFACE TRANSPORTATION BOARD

Finance Docket No. 32760

UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY, AND
MISSOURI PACIFIC RAILROAD COMPANY—CONTROL AND MERGER—SOUTHERN
PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION
COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP.,
AND THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

Decision No. 91

Decided: October 2, 2001

By joint petition (designated BNSF-95/ESI-34) filed September 28, 2001, The Burlington Northern and Santa Fe Railway Company (BNSF) and Entergy Services, Inc., and Entergy Arkansas, Inc. (referred to collectively as Entergy) have requested that the Board: require Union Pacific Railroad Company (UP) to file its response to the joint petition “as soon as practical”; and, once that response has been filed, enter, also as soon as practical, an “order of enforcement” directing UP to permit BNSF to connect from BNSF’s lines at Jonesboro and Hoxie, AR, with its trackage rights over UP to provide rail service to Entergy’s coal-fired electric generating station at White Bluff, AR.

In support of their request for expedited action, BNSF and Entergy have argued: that expedition is needed, because (among other reasons) Entergy must, under its coal transportation contract with UP, take certain action by November 1, 2001; and that expedition is feasible, because the relevant issues have been fully briefed in pleadings previously filed in the fifth annual round of the STB Finance Docket No. 32760 (Sub-No. 21) UP/SP “general oversight” proceeding.

In view of the apparent need for expedited action, and also in view of the fact that the issues have been fully briefed in the pleadings filed in the fifth annual round of the UP/SP “general oversight” proceeding, any person that intends to submit a written reply to the BNSF-95/ESI-34 joint petition is directed to file that reply with the Board no later than 5:00 p.m. on Tuesday, October 9, 2001.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Any interested person that intends to submit a written reply to the BNSF-95/ESI-34 joint petition is directed to file that reply with the Board no later than 5:00 p.m. on Tuesday, October 9, 2001.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary